REMARKS

Claims 1 and 3-11 are currently pending in this application. Claim 2 has been canceled without prejudice to the subject matter therein. Figures 1-3 have been substituted with the figures provided with this paper. A red-lined version of this drawing sheet is provided as well.

The drawings were objected to in a previous Office action. This objection is deemed to be moot in light of the drawings filed with this Response.

Claims 1, 3, 6-7, and 11 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Michal et al (U.S. Pat. 6,287,285). The undersigned submits that these claims are patentable over Michal because Michal does not disclose or suggest a coated implant delivery system comprising a releasable retention region, "having a first implant adhesion-resistant treatment; and a releasable implant having a first implant coating," as recited in claim 1.

Michal regards a therapeutic, diagnostic, or hydrophilic coating for a medical device. In the embodiments described in Michal either the stent or the catheter has a coating, but not both. Thus, the retention region and the implant are not treated and coated as recited in the claim. For example, Figs. 2 and 3, which are cross-sections of catheter 10 and are relied on in the Office action, do not show an implant let alone one that has a coating as recited in the claim. Likewise, in Fig. 12, the stent strut 30 has a coating 18 but the surrounding (but unlabeled) balloon and vessel do not. The Office action appears to recognize this lack of specific treatment and coating when it asserts that the "Examiner interpreted layer (20) of the stent (30) as being part of the retention region (13) because the layer (20) is in physical contact with the wall of the balloon (13)." However, this assumption can not be correct. First, because it places the retention region on the implant and not the implant delivery device as recited in the claim. Second, the top layer and bottom layer of the coating in Michal are designed to function together, the bottom layer acting as an adhesive to hold the top layer to the medical device. *See* col, 2 lns. 28-29. Thus, to the extent that the Office action suggests that they may be separated, the Office action misreads the manner in which the coating in Michal functions. Still further, if a bottom layer of the coating in Michal was interpreted as being a treatment as recited in the claim, it surely wouldn't

be adhesion-resistant as also recited in the claim because, as discussed throughout Michal, the bottom layer is described as having a binding function with regard to the top coat.

Consequently, drawing from all of the above, the undersigned submits that claim 1, and all of its dependent claims, are patentable over the cited references for at least these reasons.

35 U.S.C. §103(a)

Claims 4, 5, 8, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michal in view of Sydney et al (U.S. Pat. 6,306,144), Sahatjian et al (U.S. Pat. 6,409,716), and Brown (U.S. Pat. 6,348,060). Consistent with the above discussion, without reaching the propriety of combining these references, the undersigned submits that the claims are patentable over these references as well as they also fail to disclose or suggest the recited language.

CONCLUSION

In view of the foregoing requested amendments and remarks, reconsideration and further examination is respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4311 to discuss any matter concerning this application.

The Office is authorized to charge any fees associated with this Response to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: __October 17, 2003__

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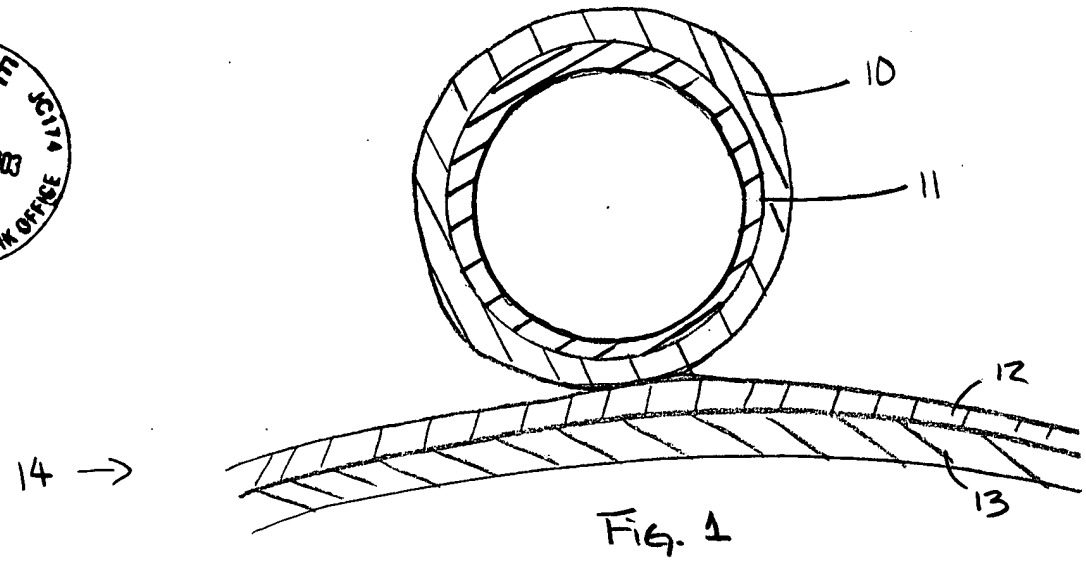

Fig. 1

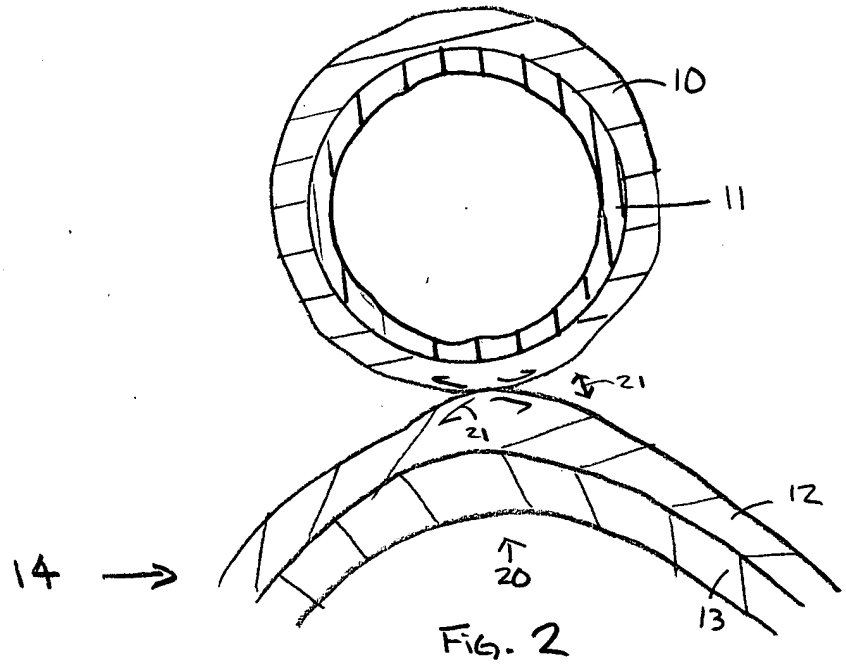

Fig. 2

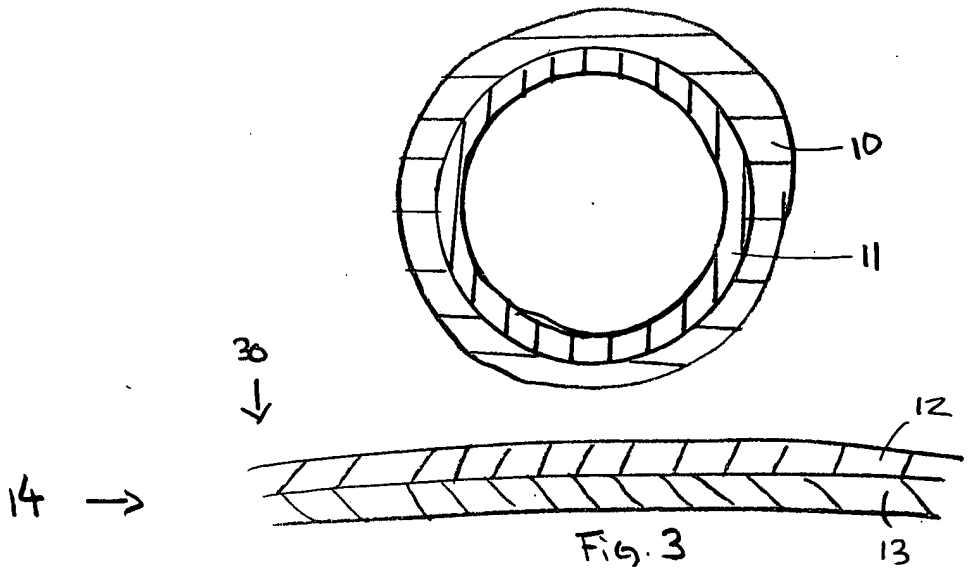

Fig. 3